

SIXIE BROADCASTING INC.  
 ALPHABETIC PAYROLL LIST AS OF 2/ 6/92

Run Date 02-06-1992 @ 21:45

1991

EMPLOYEE NO NAME	SSN	PAY TYPE	RATE	STATE	LOCAL	FEDERAL STATUS EX	STATE STATUS EX	DEP ACCT	HIRE	TERM
2	000-00-0000	S-MON	0.00	AL	.5	S 1	1 1	0 0	1/ 1/91	
15	424-76-7989	S-MON	1,291.66	AL	0	M 4	2 2	0 401	4/19/89	
6	414-46-6992	S-MON	1,200.00	AL	0	S 2	1 0	0 401	4/15/87	
12	414-60-6425	S-MON	1,025.00	AL	0	S 0	1 0	0 410	8/ 8/88	
17	409-94-7500	S-MON	1,067.00	AL	0	M 2	2 0	0 401	9/19/89	
2	419-60-7643	S-MON	1,500.00	AL	0	M 0	2 0	0 502	7/ 1/76	
18	419-00-0822	S-MON	860.00	AL	0	S 1	1 0	0 601	11/ 1/89	
1	417-56-5646	S-MON	4,000.00	AL	0	M 4	2 2	0 701	3/ 1/62	

RADIO STATIONS WHOS/WRM  
ALPHABETIC PAYROLL LIST AS OF 2/ 6/92

Run Date 02-06-1992 @ 21:46

1992

EMPLOYEE	SSN	PAY TYPE	RATE	STATE	LOCAL	FEDERAL STATUS EX	STATE STATUS EX	DEP ACCT	HIRE	TERM
4 STALINE T. MARTIN	409-33-3648	S-MON	1,000.00	AL	0	M 1	1 0	100 6010	7/ 1/89	
10 STALINE T. MARTIN	409-33-3648	S-MON	1,000.00	AL	0	M 1	1 0	100 6010	7/ 1/89	

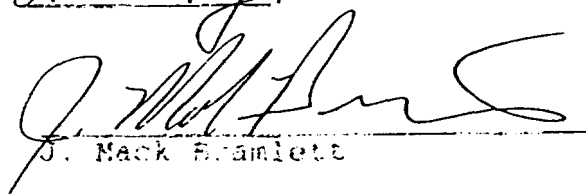
**EXHIBIT 4**

STATEMENT

I, Mack Bramlett, hereby state under penalty of perjury as follows:

1. I am an officer and director of the licensee and General Manager of Stations WHOS(AM) and WDRM(FM), ~~DeKalb County, Alabama.~~ Stations WHOS and WDRM are currently licensed to Dixie Broadcasting, Inc., Debtor-in-Possession.
2. I have worked at Stations WHOS and WDRM since 1962. I have been responsible for the Station's Equal Employment Opportunity Program since 1976 when the current licensee acquired WHOS and WDRM. I have held the title of officer and director of the licensee since 1976, as well.
3. I have read the foregoing Supplemental Report relative to employment practices of Stations WHOS and WDRM and have determined that, to the best of my knowledge and belief, all of the facts contained therein concerning the employment record and affirmative action efforts of WHOS and WDRM were supplied by me and my staff and are accurate and complete.

Executed on this 6 day of February, 1977

  
J. Mack Bramlett

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Federal Communications Commission	
Docket No. <u>92-207</u>	Exhibit No. <u>12</u>
Presented by <u>MASS MEDIA</u>	
Disposition	Identified <u>2/17</u>
	Received <u>2/17</u>
	Rejected _____
Reporter <u>BARBARA LORIO</u>	
Date <u>2/17/93</u>	

*was made in the letter  
between the two, so we will  
omit them all.*

asan A. Marshall  
202/857-6110

February 11, 1992

Mr. Glen A. Wolfe  
Chief, EEO Branch  
Enforcement Division  
Mass Media Bureau  
Federal Communications Commission  
2025 M Street, N.W., Room 721A  
Washington, D.C. 20554

Re: Stations WHOS(AM) and WDRM(FM), Decatur, Alabama

Dear Mr. Wolfe:

Submitted herewith, on behalf of Dixie Broadcasting, Inc., Debtor-In-Possession, licensee of Stations WHOS (AM) and WDRM (FM), Decatur, Alabama, are revised Exhibits 1 and 2 to be substituted for their counterparts submitted to the Commission on February 7, 1992 as part of the Supplementary Materials concerning the employment practices of Stations WHOS and WDRM.

The revised Exhibits 1 and 2 correct certain typographical errors contained in their

STATEMENT

1. Mark Bramlett, hereby state under penalty of perjury

Executed on this 19 day of Feb, 1992.

  
J. Mack Bramlett



**EXHIBIT 1**

**(Revised 2/10/92)**

EXPLANATION OF 83 HIRES 1982-FEB 1989  
BY DATE

DATE	NAME	JOB TITLE	395-B CLASSIFICATION	JOB STATUS	RACE	GENDER	TERMINATION DATE
2/1	Gary Mattox	Announcer	Professional	Full Time	White	Male	84/04/02 ✓
2/07/81	Tia Stephens	Announcer	Professional	Full Time	White	Male	83/04/31 ✓
2/08/81	Bonnie Dutton	Announcer	Professional	Part Time	White	Female	82/12/15 ✓
2/08/87	Nathan Tate, Sr.	Sales Manager	Manager	Full Time	African-American	Male	83/04/15 ✓ B
2/09/81	Bill Glass	Sales	Sales Worker	Full Time	White	Male	83/03/15 ✓
	Bruce Hill	Announcer	Professional	Full Time	African-American	Male	83/08/01 ✓ B
	Bruce Williams	Sales	Sales Worker	Full Time	White	Male	83/03/15 ✓
	Doris Swift	Traffic Manager	Clerical	Full Time	White	Female	83/04/15 ✓
2/10/81	Richard L. Hambley	Announcer	Professional	Full Time	White	Male	83/07/15 ✓
	Ricky Patton	Sales/Announcer	Sales Worker	Full Time	African-American	Male	83/03/01 ✓
2/10/15	Alfred Hardy	Announcer	Professional	Part Time	African-American	Male	83/08/01 ✓
2/05/16	Robert Black	Sales/Announcer	Professional	Part Time	White	Male	84/10/01 ✓
3/07/81	Robert Ross	Sales	Sales Worker	Full Time	White	Male	87/02/10 ✓
3/07/15	Carla Snell	News Reporter	Professional	Full Time	African-American	Female	83/09/15 ✓ B
3/07/20	Ennett Ferguson	Announcer	Professional	Full Time	White	Male	83/07/14 ✓
3/08/81	Don Fortune	Sale Manager	Manager	Full Time	White	Male	86/08/01 ✓
	Glenda Fortune	Sales	Sales Worker	Full Time	White	Female	86/09/01 ✓
	Willie Acklin	Announcer	Professional	Part Time	African-American	Male	83/08/15 ✓
3/08/15	Scott Adams	Announcer	Professional	Full Time	White	Male	87/08/31 ✓
3/08/20	Steve Lovig	Production Mgr.	Manager	Full Time	White	Male	84/11/01 ✓
3/09/81	Bernard Powell	Announcer	Professional	Part Time	African-American	Male	83/10/03 ✓
	Cindy Ray Hanigan	Computer Operator	Clerical	Full Time	White	Female	88/03/10 ✓
3/10/83	Bobbie Shuttlesworth	News Reporter	Professional	Full Time	White	Female	85/02/01 ✓
3/11	Jerry Ewell	Announcer	Professional	Full Time	White	Male	84/12/01 ✓
4/0	Don Livingston	Announcer	Professional	Part Time	White	Male	86/10/15 ✓
	Jeff Speagle	Announcer	Professional	Part Time	White	Male	85/02/15 ✓
4/02	Cindy Hunter	Sales	Sales Worker	Full Time	White	Female	84/05/01 ✓
	Janet Martin	Secretary	Clerical	Part Time	White	Female	84/12/15 ✓
4/03/15	Dot Grimes	Sales	Sales Worker	Full Time	White	Female	84/12/12 ✓
4/09/15	Perry Bailey	Announcer	Professional	Full Time	White	Male	85/01/17 ✓
	T.J. Wunderlin	Announcer	Professional	Full Time	White	Male	Present ✓
4/12/81	Jin Price	Sales	Sales Worker	Full Time	White	Male	85/05/01 ✓
5/01/81	Chad Cooser	Announcer	Professional	Intern	White	Male	86/12/15 ✓ and date
	Gregory Harris	Announcer	Professional	Part Time	White	Male	85/06/01 ✓
5/01/15	Judy Sparks	Secretary	Clerical	Full Time	White	Female	85/07/01 ✓ 10 m date of hire
	Vickie Tatua	Sales	Sales Worker	Full Time	White	Female	85/10/14 ✓
5/02/81	Laurel Phedes	Sales	Sales Worker	Part Time	White	Female	85/04/01 ✓
5/02/15	Jason Mitchell	Announcer	Professional	Full Time	White	Male	85/06/01 ✓
	Ken Scott	Announcer	Professional	Part Time	White	Male	85/08/01 ✓
	Rick Amrein	Announcer	Professional	Full Time	White	Male	87/12/31 ✓
5/03/15	Gail Anderson	Announcer	Professional	Full Time	White	Female	88/06/14 ✓
5/04/81	Angela Lage	Announcer	Professional	Full Time	White	Female	85/12/15 ✓
5/06/15	Neal Herzog	Announcer	Professional	Full Time	White	Male	86/02/15 ✓
5/07/15	Mary Jane Stewart	Sales	Sales Worker	Full Time	White	Female	87/07/10 ✓
5/10/15	Ben Chalker	Announcer	Professional	Full Time	White	Male	86/06/01 ✓
6/01/15	Barry Cole	Announcer/Tech	Professional	Full Time	White	Male	89/02/28 ✓
	Jenny Porter	Secretary	Clerical	Full Time	White	Female	86/11/01 ✓
6/03/81	Aubrey Rice	Sales	Sales Worker	Full Time	White	Male	86/06/04 ✓
6/04/81	Nancy Hathaway	Sales Manager	Manager	Full Time	White	Female	86/09/15 ✓
6/07/81	Frank Pollard	Announcer	Professional	Full Time	White	Male	86/12/15 ✓
6/08	Gwen Stephenson	Office Manager	Manager	Full Time	African-American	Female	87/03/15 ✓ B

EXPLANATION OF 83 HIRES 1982-FEB 1989  
BY DATE

DATE	NAME	JOB TITLE	395-B CLASSIFICATION	JOB STATUS	RACE	GENDER	TERMINATION DATE
6/1	Mazie Smith	Sales	Sales Worker	Full Time	White	Female	Present ✓
	Timothy Braanlett	Announcer	Professional	Full Time	White	Male	89/06/14 ✓
6/09/15	Mark Goodwin	Sales Manager	Manager	Full Time	White	Male	Present ✓
6/10/15	Ray Quinn	Sales Manager	Manager	Full Time	White	Male	85/12/01 ✓
6/11/01	Les Gaubrel	Announcer	Professional	Full Time	White	Male	89/09/10 ✓
6/11/15	Clyde George	Announcer	Professional	Full Time	White	Male	87/05/31 ✓
6/12/01	Robert Stewart	Sales	Sales Worker	Full Time	White	Male	87/05/31 ✓
7/01/01	Shirley Johnson	Secretary	Clerical	Full Time	White	Female	87/08/31 ✓
7/01/15	Robert Waldron	Announcer	Professional	Full Time	White	Male	87/12/31 ✓

**EXHIBIT 2**

**(Revised 2/10/92)**

EXPLANATION OF 57 NON HIRES 1982-FEB 1989  
BY DATE

DATE OF HIRE	NAME	JOB TITLE	JYS-B CLASSIFICATION	JOB STATUS	RACE	GENDER	TERMINATION DATE	REASON NOT CONSIDERE
82	Robin Starling	Announcer	Professional	Trainee	White Male		82/05/15	1 mos Did not qualify
82	James Griffin	Sales	Sales Worker	Trainee	White Male		82/07/15	1 1/2 mos Did not qualify
82/06/13	Tia Clemons	Announcer	Professional	Temporary	White Male		82/08/10	2 mos Fill-in position
82/07/02	David Binkley	Announcer	Professional	Trainee	White Male		82/08/02	1 mos Did not qualify
82/07/22	John Kent	Sales	Sales Worker	Trainee	White Male		82/09/01	1 1/2 Did not qualify
82/08/02	Ben Bubbett	Announcer	Professional	Temporary	White Male		82/08/17	2 wks Fill-in position
82/09/01	Jewel Frost	Secretary	Clerical	Temporary	White Female		82/11/19	2 1/2 mos Fill-in position
83/03/02	David Holiday	Announcer	Professional	Temporary	White Male		83/07/15	2 1/2 Fill-in position
83/07/01	David Franklin	Announcer	Professional	Temporary	White Male		83/03/01	1 Fill-in position
83/08/01	Chuckie Hunt *	Announcer	Professional	Temporary	White Male		86/01/10	Fill-in position - 8-15-83
	Durron Booner	Announcer	Professional	Temporary	White Male		82/08/01	0 Fill-in position
83/08/15	Tammy Roberts	Announcer	Professional	Trainee	White Male		83/09/15	1 Did not qualify
83/09/01	Lynn McClellene	Sales	Sales Worker	Trainee	White Female		83/10/03	1 Did not qualify
83/09/15	Gary Boddie	Announcer	Professional	Trainee	White Male		83/09/15	0 Did not qualify
83/10/03	Rebecca Ditto	Announcer	Professional	Trainee	White Female		83/10/17	2 wks Did not qualify
83/10/07	John Bryant	Announcer	Professional	Trainee	White Male		83/11/15	1 1/2 Did not qualify
83/11/01	Thelma Gaine *	Announcer	Professional	Temporary	White Female		85/05/15	Fill in positions
83/12/01	Greg Spence	Sales	Sales Worker	Trainee	White Male		84/01/03	1 Did not qualify
84/01/16	Robert Doss	Announcer	Professional	Temporary	White Male		85/06/01	5 Fill-in position
84/02/01	J.E. Davis	Announcer	Professional	Temporary	White Male		84/05/01	3 Fill in position
84/06/01	Jeffrey Rosado	Announcer	Professional	Temporary	White Male		84/08/15	2 1/2 Fill-in position
84/07/02	Randy Sanders	Announcer	Professional	Temporary	White Male		84/09/15	2 1/2 Fill-in position
	Sharon Robinson	Announcer	Professional	Temporary	White Female		84/10/01	3 Fill-in position
84/07/15	V.L. Turner	Announcer	Professional	Trainee	White Male		84/08/15	1 Did not qualify
84/7	Hugh Tyler	Announcer	Professional	Temporary	White Male		84/08/15	1 Fill-in position
84/1	Cathryn Mimix	Announcer	Professional	Temporary	White Female		84/12/15	2 Fill-in position
84/1	Sabrina Aldredge	Announcer	Professional	Temporary	White Female		85/01/15	2 1/2 Fill-in position
84/12/15	Mary Taylor	Sales	Sales Worker	Trainee	White Female		85/01/01	2 wks Did not qualify
85/02/01	Ricky Huffman	Announcer	Professional	Temporary	White Male		85/02/01	0 Fill-in position
85/03/15	Michael Jones	Announcer	Professional	Temporary	White Male		85/07/15	2 Fill-in Position
85/06/15	Don Keebaugh	Announcer	Professional	Temporary	White Male		85/07/01	2 wks Fill-in position
	Katy White	Secretary	Clerical	Trainee	White Female		85/08/15	2 Did not qualify
85/07/01	Fred Henson**	Announcer	Professional	Temporary	White Male		87/12/31	Fill-in positions w/o 2/1/87
	Joel Jones	Announcer	Professional	Temporary	White Male		85/08/15	2 1/2 Fill-in positions
	Joseph McGown, Jr.	Announcer	Professional	Temporary	White Male		85/08/15	2 1/2 Fill-in position
85/09/01	David Scott	Announcer	Professional	Temporary	White Male		85/10/15	1 1/2 Fill in position
85/10/15	Kevin W. Vest	Announcer	Professional	Temporary	White Male		85/10/15	0 Fill-in position
86/03/01	Vickie Tatus	Sales Worker	Part Time	White Female			86/04/15	1 1/2 Fill in position
86/06/01	Henry Brooks	Announcer	Professional	Trainee	White Male		86/06/15	1 mos Did not qualify
86/07/01	Deborah Condo	Secretary	Clerical	Temporary	White Female		86/11/01	4 Fill-in position
	Tina Jackson	Sales	Sales Worker	Trainee	White Female		86/11/15	4 1/2 Did not qualify *
86/08/01	Jerry James***	Announcer	Professional	Trainee	White Male		87/09/24	Did not qualify
86/08/15	Faye Burroughs	Sales	Sales Worker	Trainee	White Female		86/09/01	2 wks Did not qualify
86/09/15	Patricia Brinson	Announcer	Professional	Temporary	White Female		86/10/15	1 Fill-in position
86/10/15	Gerry Coffee	News reporter	Professional	Trainee	White Female		86/12/15	2 Did not qualify
86/11/01	Ann Paris	Sales	Sales Worker	Trainee	White Female		86/12/15	2 1/2 Did not qualify
	Ken Scott		Professional	Part Time	White Male		86/12/15	2 1/2 Fill in position
86/11/15	Tammy Fuller	Secretary	Clerical	Temporary	White Female		86/12/15	1 Fill-in position
87/01/01	Kevin Flowers	Announcer	Professional	Temporary	White Male		87/05/03	4 Fill-in positions
	Marty Foreman***	Announcer	Professional	Temporary	White Male		87/12/31	Fill-in positions
87/8	Chris Wilson	Announcer	Professional	Trainee	White Male		87/02/28	1 1/2 Did not qualify

Nov 1, 1985 Henry J. Smith, 1988

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EXPLANATION OF 57 NON HIRES 1982-FEB 1989  
BY DATE

DATE	HIRE	NAME	JOB TITLE	395-B CLASSIFICATION	JOB STATUS	RACE	GENDER	TERMINATION DATE	REASON NOT CONSIDERE
8/1/82		Kia Borwick	Sales	Sales Worker	Trainee	White Female		87/05/14	2 wks Did not qualify
8/1/82		David Van Norman	Announcer	Professional	Temporary	White Male		87/12/31	3 1/2 Fill-in positions
87/11/25		Johnny Palmer	Announcer	Professional	Temporary	White Male		87/11/30	5 days Fill in position
88/01/31		Johnny Burns	Announcer	Professional	Temporary	White Male		88/04/30	3 Fill-in-position
88/05/14		Kia Bramlett	Computer Operator	Clerical	Temporary	White Female		88/08/14	3 Fill-in-position
88/06/14		Greg Bradley	Announcer	Professional	Temporary	White Male		88/09/14	3 Fill-in-position
88/09/30		Vickie Bramlett	Secretary	Clerical	Temporary	White Female		88/11/30	2 Fill-in-position
89/01/14		Joseph Abel	Announcer	Professional	Temporary	White Male		89/03/31	2 1/2 Fill-in-position
Count:			57						

\*Chuckie Hunt and Thelma Gains did not work at the stations for a continuous period of time but only for short periods of time between their specified dates of hire and termination.

\*\*Fred Henson worked only as an independent contractor.

\*\*\*Between his specified dates of hire and termination, Jerry James trained for two positions at the stations and failed to qualify for either job.

\*\*\*\*Marty Forman was a high school student who worked as a "fill-in" on an occasional basis between his specified dates of hire and termination.

CERTIFICATE OF SERVICE

I, Michelle C. Mebane, a secretary in the Hearing Branch, Mass Media Bureau, certify that I have, on this 30th day of September 1992, sent by United States mail, U.S. Government frank, copies of the foregoing "Mass Media Bureau's Request for Admissions of Facts and Genuiness of Documents" to:

Thomas Schattenfield, Esq.  
Arent, Fox, Kintner, Plotkin & Kahn  
1050 Connecticut Avenue, N.W.  
Suite 600  
Washington, D.C. 20036  
Counsel for Dixie Broadcasting, Inc.

Administrative Law Judge Arthur I. Steinberg  
Federal Communications Commission  
2000 L Street, N.W.  
Suite 228  
Washington, D.C. 20554

Michelle C. Mebane  
Michelle C. Mebane

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Federal Communications Commission	
Docket No.	92-207 Exhibit No. 13
Presented by	MASS MEDIA
Disposition	Identified 2/17
	Received 2/17
	Rejected
Reporter	BARBARA LORIO
Date	2/17/93



# Arent, Fox, Kintner, Plotkin & Kahn

MMB Ex. 13

JEROME P. AKMAN  
ALBERT E. ARENT

EDWIN L. KAHN  
EARL W. KINTNER

H. VAN SINCLAIR  
CHRISTOPHER SMITH

E. MICHAEL FLANAGAN  
CAROL CONNOR FLOWE

GEORGE A. PLOTKIN  
CHRISTOPHER W. SMITH  
MICHAEL J. SINCLAIR

national origin or sex. In order to demonstrate compliance with these rules, licensees must file information concerning the employment composition of their stations once a year (FCC Form 395) and information regarding their EEO procedures every time they file a license renewal application (FCC Form 396, the 10-point Model EEO Program Report). Applicants for new stations, as well as for assignments of license and transfers of control of existing stations, are required to file EEO information with their applications for construction permits, assignments or transfers of control (FCC Form 396-A, the five-point Model EEO Program Report).

In 1981, the Office of Management and Budget ("OMB"), the oversight agency for reviewing the reporting requirements established by federal agencies, disapproved the use of the Commission's current EEO Program Report Form and associated guidelines. OMB stated that the Commission should collect EEO program information only when a station's performance, as reflected by its Annual Employment Report, indicated it was unlawfully discriminating. OMB, nevertheless, allowed the Commission to continue using its existing EEO Program Report Form. In December, 1985, in response to OMB's action, the Commission proposed to amend its EEO policies and procedures. 2/

program requirements are only set forth in the Commission's EEO Program Report Forms (FCC Forms 396 and 396-A). The Commission decided to incorporate its program requirements into its rules in order to make this information available to all interested parties and not just to those required to file EEO Program Report Forms on the relatively infrequent occasions of applying for a station license or license renewal or assignments or transfers thereof.

New EEO Annual Reporting Requirements

The Commission made two major changes in its annual reporting requirement: (1) it adopted a new Form 395-B to replace the existing FCC Form 395 and (2) it eliminated the requirement for filing consolidated annual reports.6/

The new Form 395-B is to be filed by broadcast

The Commission has retained the reporting threshold

option of requesting supplemental information from a licensee if, in examining a station's EEO performance, it finds that additional employment data is needed.

Form 396 Parts

The new Form 396 has the following parts:

1. Part I requests the name and title of the individual responsible for EEO efforts at a station, as in the current Program Report Form.
2. Parts II and III relate to the dissemination of a station's EEO policy and information about its recruitment practices and requires a licensee to indicate which of several specific practices listed on the form (which are similar to those listed on the current form) are used to disseminate the policy to applicants and employees and to recruit minority and female workers.
3. Parts IV and V relate to a station's hiring and promotion practices and require a licensee to submit statistics regarding the hiring and promotion of minorities and women over a 12-month period. The Commission not only requires statistics covering the hiring and promotion of such employees at a station overall, as it does now, but it also requires a second set of statistics with respect to the hiring and promotion of such employees in the FCC Form 395 upper-four job categories.
4. Part VI relates to market labor force data. The new form does not require a licensee to provide such data for a station's market, as it does now. The Commission announced that, in evaluating a licensee's EEO efforts, it will use the MSA or county labor force data available to its staff. The Commission, however, has provided a new option which allows a licensee to submit alternate labor force data, other than MSA or county data, for the Commission's use in evaluating a station's EEO efforts. If a licensee provides such alternate data, an appropriate explanation must also be provided as to why MSA or county data would not accurately reflect the available labor force.

5. Part VII continues to require information concerning complaints filed against a licensee alleging discriminatory employment practices at its station.
6. Part VIII, which is optional, requests a licensee to provide any other information it believes would be helpful in the Commission's evaluation of a station's EEO efforts.

#### EEO Evaluation

Under the new rules, the Commission will evaluate a licensee's EEO efforts by using a two-step approach, similar to the approach the Commission adopted for determining EEO compliance by cable licensees. The first step involves the examination of a station's entire record, including not only the composition of the local labor force and a station's staff (as set forth in its annual Form 395-B), but also a station's EEO program (and any EEO complaints set forth in its EEO Program Report Form 396), and any other information the Commission deems pertinent. The Commission is attempting to avoid the use of quotas or numerical guidelines by making an assessment utilizing a broad base of information and will not rely solely upon quantitative tests.

The Commission will only go to the second step if its initial evaluation indicates that a station's efforts are less than satisfactory. In this event, the Commission will request additional information concerning only the specific areas of a station's EEO practices that appear to be deficient so as to minimize the reporting burden imposed on licensees by requiring them to submit information only to verify the areas where their EEO efforts are in question.

Accordingly, under the Commission's new rules, a station's employment practices will be reviewed carefully at renewal time, even if a station's employment profile is within the FCC's numerical guidelines.<sup>11/</sup> The Commission

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<sup>11/</sup> The Commission's administrative processing guidelines are set forth in a Public Notice released in December 1983. For stations with eleven or more full-time employees, the

will consider all of the information set forth in a licensee's Annual Employment and Program Employment Reports, as well as the composition of a station's local labor force. If the initial evaluation indicates that a licensee's EEO efforts have not been satisfactory, as noted above, more information will be requested. Such additional scrutiny could result in Commission sanctions, such as the imposition of an EEO reporting requirement with the establishment of hiring goals and time tables, if the Commission concludes that a licensee's affirmative action program has been ineffective or that a licensee has not been implementing its program diligently and in good faith.

### **Conclusion**

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FCC 87-136

In the Matter of )  
 )  
Amendment of Part 73 of the )  
Commission's Rules Concerning )  
Equal Employment Opportunity ) MM Docket No. 85-350  
in the Broadcast Radio and )  
Television Services )

3605

REPORT AND ORDER  
(Proceeding Terminated)

Adopted: April 16, 1987

Released: June 12, 1987

By the Commission:

INTRODUCTION

1. By this Report and Order, the Commission amends its rules and procedures regarding equal employment opportunities (EEO) in the broadcast industry to provide for more effective monitoring of licensees' EEO efforts. In particular, we are incorporating into our rules the general EEO program requirements and suggested practices thereunder that previously have appeared only in our Model EEO Program Reports. Also, we are adopting revisions to our information collection systems for monitoring licensees' EEO activities. The first is a new Broadcast Station Annual Employment Report (FCC Form 395-B) that will require licensees with five or more full-time employees to report employment statistics by race/national origin and sex in nine job categories. This new report requests the same employment data that are reported on the existing Form 395. However, the columns on the statistical tables have been reformatted to conform to the Equal Employment Opportunity Commission's Form EEO-1.<sup>1</sup> The second information requirement is a new Broadcast Equal Employment Opportunity Program Report (FCC Form 396) that will replace the existing FCC Form 396. The new form is based on the proposed Broadcast EEO Program Report submitted by the Office of Management and Budget (OMB). The new Form 396 includes instructions that

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<sup>1</sup> FCC Form 395 also is used for reporting annual employment data by certain common carrier licensees. We are not addressing the annual Form 395 filings by those licensees in this proceeding.



are integrated into the form and requires broadcast license renewal applicants with five or more full-time employees to indicate those practices that they have undertaken to ensure equal opportunity in employment at their stations. In addition, we will continue to require applicants for new or existing broadcast stations to submit a description of their planned EEO programs on FCC Form 396-A. Further, we are adopting procedures for evaluating broadcast stations' EEO performance based on the information to be provided by these revised reporting requirements that will emphasize our concern with licensees' efforts to provide equal opportunities in employment. We have taken particular care to include in the new reporting requirements only those informational elements that are necessary to the evaluation of a licensee's EEO efforts under our revised monitoring procedures. In fact, the new reporting requirements will provide for some reduction in the overall paperwork burden imposed on licensees as compared to the previous reporting requirements.

#### BACKGROUND

2. The Commission's current rules set forth several requirements to ensure that licensees of broadcast stations afford equal opportunity in employment.<sup>2</sup> Under these rules, broadcast stations are prohibited from discriminating on the basis of race, color, religion, national origin, or sex and are required to carry out a continuing program designed to foster equal opportunity in all aspects of their employment policy and practice. The rules also require the filing of certain information in order that the Commission may determine that broadcasters are complying with the EEO rules. Under existing rules, broadcasters are required to submit a description of certain aspects of their EEO programs on FCC Form 396-A, the 5-point Model EEO Program Report, as part of their applications for a license for a new station or their request for assignment of the license of an existing station. In addition, as part of their license renewal applications, broadcast licensees are required to file FCC Form 396, the 10-point Model EEO Program Report. The rules also require broadcast stations to file an Annual Employment Report, FCC Form 395, and to report the status of any EEO complaints.

3. OMB as part of its function under the Paperwork Reduction Act of 1980, reviews all reporting requirements established by federal agencies. On August 26, 1981, OMB disapproved the use of the Commission's EEO program reporting forms and their associated guidelines for program preparation. In disapproving the use of these program reports, OMB stated that the Commission should collect EEO program information only when a station's

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<sup>2</sup> The current broadcast EEO rules are set forth in Section 73.2080 of the Commission's rules, 47 CFR §73.2080.